

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Applicants respectfully traverse the 35 U.S.C. § 102(b) rejection of claims 1-3 and 12-16, submitting that they are not anticipated by U.S. Patent 4,067,027 to YAMAZAKI. According to features of the present invention, the binocular telephone of the instant invention has reticle images that are fused, with the fused reticle image having point symmetry or line symmetry. Applicants submit that YAMAZAKI fails to disclose or even suggest a fused reticle image, as taught by Applicants' invention.

In setting forth this rejection, the Examiner asserts, with respect to dependent claims 2 and 3, that Fig. 3 of YAMAZAKI discloses fused reticle images that show both point symmetry with respect to an imaginary optical axis and fused reticle images that show line symmetry with respect to a straight line intersecting an imaginary optical axis. Applicants submit that these assertions are erroneous. Applicants submit that a review of the specification and drawings (and in particular, Fig. 3 of the drawings) fail to disclose or suggest the above-noted features; namely, a fused reticle image.

By the current amendment, Applicants amend claim 1 to include the subject matter of claim 2. Further, Applicants amend claim 3 to place it in independent form. Accordingly, amended claims 1 and 3 specify fused reticle images, which Applicants submit is not taught by YAMAZAKI. In view of the present amendment, Applicants submit that the ground for the 35 U.S.C. § 102(b) rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

Applicants further traverse the 35 U.S.C. § 103(a) rejection set forth against claims

4-11. As discussed above, YAMAZAKI fails to disclose or suggest Applicants' feature of a fused reticle image. Figs. 3b and 3c of LAND discloses that a three-dimensional reticle image is observed based on two images. However, Applicants submit that U.S. Patent 3,622,242 to LAND fails to disclose or suggest that a reticle image has a point symmetry or a line symmetry defined on a two-dimensional plane. Accordingly, even if one attempted to combine the teachings of YAMAZAKI and LAND in the manner suggested by the Examiner, Applicants submit that such a combination would fail to result in a binocular telescope in which fused reticle images show point symmetry with respect to an imaginary optical axis, as defined in amended claim 1, or a binocular telescope in which fused reticle images show line symmetry with respect to a straight line intersecting an imaginary optical axis, as defined in amended claim 3.

As noted above, Applicants amended claims 1 and 3 to specify fused reticle images. Applicants additionally amended claim 1 to clarify that the fused reticle image has point symmetry, and additionally amended claim 3 to clarify that the fused reticle image has line symmetry. Applicants submit that the ground for the 35 U.S.C. § 103 rejection no longer exists in view of the current amendments to the claims. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 103 rejection.

Further, as no ground of rejection remains in the application, the Examiner is respectfully requested to indicate the allowability of claims 1 and 3-16.

Applicants additionally submit new dependent claims 17-29 for the Examiner's consideration. These claims are based upon original claims 4-16, but are presented to depend from claim 3. These claims are submitted to be allowable for at least the same

P23759.A06

reasons applicable to claims 1 and 3-16. Accordingly, the Examiner is respectfully requested to also indicate the allowability of the newly presented claims.

SUMMARY AND CONCLUSION

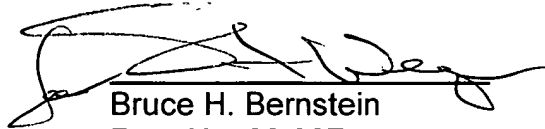
In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. § 1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. § 1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Ken HIRUNUMA et al.

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

March 14, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191